

**ALABAMA ETHICS COMMISSION
MINUTES**

**August 4, 2021
9:30 a.m.**

**9th Floor, RSA Union Building
Montgomery, Alabama**

The Alabama Ethics Commission met on August 4, 2021, at 9:30 a.m. in the Public Service Commission Hearing Room on the 9th Floor of the RSA Union Building.

Commission Members Present:

Honorable Beverlye Brady, Chair
Honorable John Plunk, Vice-Chair
Honorable Lyn Stuart, Ret. Chief Justice, Member
Honorable Stanton H. McDonald, Member
Honorable BG (R) Edward Crowell (USAF), Member

Commission Members Absent:

Commission Staff Present:

Thomas B. Albritton, Executive Director
Cynthia Propst Raulston, General Counsel
Brian Paterson, Assistant General Counsel
R. Christopher Clark, Chief Special Agent
Dustin Lansford, Senior Special Agent
Byron Butler, Senior Special Agent
Chris McCay, Special Agent
Brian Baker, Special Agent
April Innes, Administrative Support Assistant II
Austin Gilmore, Administrative Support Assistant I
Mary Johnson, Legal Research Assistant
Breanna Kelley, Administrative Support I

Other:

Victoria Costello, Court Reporter - Huseby

Ms. Brady called the meeting to order at 9:44 a.m., and introduced Tucker Presley, Youth Minister, University Church of Christ of Montgomery Alabama, who gave the invocation.

Old Business:

Approval of the minutes from the June 2, 2021 meeting:

General Crowell moved to adopt the minutes as written. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

New Business:

Advisory Opinion No. 2021-06

Raymond Bell on behalf of Kevin Ball, 11 North Water Street, Suite 4290, Mobile, Alabama

Mr. Paterson explained the request for Advisory Opinion No. 2021-06. *Chief Justice Stuart moved to adopt Advisory Opinion No. 2021-06 as written. General Crowell seconded the motion. Motion passed unanimously with all those present voting. Opinion No. 2021-06 holds that under the Ethics laws, A member of the Alabama A&M University Board of Trustees may use his private position to benefit Alabama A&M University. An appointed member of the Board of Trustees for Alabama A&M University may not solicit anything from a lobbyist other than a campaign contribution. An appointed member of the Board of Trustees for Alabama A&M University may not solicit or receive a thing of value from a lobbyist, subordinate of a lobbyist, or a principal.*

FCPA Appeals

Alabama Minority GOP

Mr. Paterson explained the request for the Civil Penalty Appeal. Phillip Brown, Chair, spoke on behalf of the Alabama Minority GOP. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Chief Justice Stuart moved to set aside three of the June 2, 2021 penalties and offenses with the first fine and offense to remain. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Dean Odle

Mr. Paterson explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State, was present to speak and answer any questions. *Chief Justice Stuart set aside the July 7, 2021 offenses and fines. General Crowell seconded the motion. Motion passed unanimously with all those present voting.*

Mark Pettway

Mr. Paterson explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *Mr. Plunk moved to set aside the July 2, 2021 fine and offense. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.*

Justin D. Burns

Mr. Paterson explained the request for the Civil Penalty Appeal. Hugh Evans, III, General Counsel, Alabama Secretary of State was present to speak and answer any questions. *General Crowell moved to set aside the July 14, 2021 fine and offense. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

At 10:10 a.m. General Crowell moved that the Commission go into Executive Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

At 2:28 p.m. Chief Justice Stuart moved that the Commission go back into Open Session. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0322

Benjamin Sutton, Captain, City of Homewood

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Benjamin Sutton has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0319

James Robert Davis, Former Councilman – District 4, City of Northport

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that James Robert Davis, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0422

Kimberly Bell, Council Member, City of Uniontown

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Kimberly Bell, has violated the Alabama Ethics Act. He further moved that this case be closed. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0050

Terrance Peck, Distribution Maintenance Worker, Birmingham Water Works

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Terrance Peck has violated the Alabama Ethics Law, and further moved that this case be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0199

Ricky Porter, Principal, Chilton County Board of Education

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Ricky Porter has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0119

Sherri Mims, Parks Wildlife Manager, Mobile County Commission

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Sherri Mims has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. Plunk

seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0120

Robbie D. Moore, Fiscal Clerk I, Mobile County Commission

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Robbie Moore has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0134

Melissa McKee, Former Employee, Alabama Department of Transportation

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Melissa McKee has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0264

John Caleb Dawson, Candidate, City Council, City of Troy

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that John Caleb Dawson, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0383

Tina Jones, Teacher/Cheer Coach, Huntsville City Board of Education

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Tina Jones has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0379

Diann Taylor, Former Clerk, Town of Akron

Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Diann Taylor has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. In addition, he moved that the Commission approve/authorize staff to proceed with assessing penalties beginning August 16, 2021, for non-filing of the 2020 Statement of Economic Interests. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0406

Sharon Beech, District Early Intervention State Monitor, Alabama Depart. of Rehabilitation
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Sharon Beech has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the Alabama Attorney General's Office. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0015

Taneya Walker, Freshman Seminar Advisor, Calhoun Community College
Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Taneya Walker has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0091

Greg Mashburn, Former Councilmember City of Scottsboro
Mr. McDonald moved that based on the evidence as presented to this Commission, there exists cause to hold that Greg Mashburn has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0121

Veranda Kate Melton, Executive Director of Capstone Village, University of Alabama
Mr. Plunk moved that based on the evidence as presented to this Commission, there exists cause to hold that Veranda Kate Melton has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0086 & 0094

Andrea "Michelle" Ragan, Admin. Assistant to Superintendent, Colbert County Bd of Ed
Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Andrea "Michelle" Ragan has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0042

Jerry Wayne Williams

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Jerry Wayne Williams, has violated the Alabama Ethics Act. She further moved that this case be closed. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2021-0042

Wade Conner Whisenant, Probation/Parole Officer, Alabama Bureau of Pardons & Paroles

General Crowell moved that based on the evidence as presented to this Commission, there exists cause to hold that Wade Whisenant has committed one minor violation of the Alabama Ethics Act. He further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0337 & 0361

Rhonda Bush Freeman, Mayor, Town of Columbia

General Crowell moved that based on the evidence as presented to this Commission, there exists insufficient facts to hold that Rhonda Freeman, has violated the Alabama Ethics Act. He further moved that this case be closed. Mr. McDonald seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0370

Jennifer Reaves, Deputy Chief, Montgomery Police Department

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Jennifer Reaves has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the District Attorney of the appropriate Judicial Circuit. Mr. McDonald seconded the motion. Motion passed unanimously (4-0) with Chairwomen Brady recusing. A motion was made by Chief Justice Stuart to amend that this case be handled administratively, to the Alabama Attorney General's office. Mr. McDonald seconded the motion with amended motion passing unanimously (4-0) with Chairwomen Brady recusing.

Case No. 2020-0371

Ernest Nathaniel Finley, Jr., Former Chief of Police, City of Montgomery

Chief Justice Stuart moved that based on the evidence as presented to this Commission, there exists cause to hold that Ernest Finley has committed one minor violation of the Alabama Ethics Act. She further moved that this case be handled administratively, and that it be referred for review and appropriate legal action to the Alabama Attorney General's Office. General Crowell seconded the motion. Motion passed unanimously (4-0) with Chairwomen Brady recusing.

Cases Recommended for Dismissal

The following cases were presented to the Commission by Executive Director Albritton, with the recommendation that they be dismissed: **Case No. 2020-0272; Case No. 2020-0301; Case No. 2020-0321; Case No. 2020-0314; Case No. 2020-0315; Case No. 2020-0329; Case No. 2020-0331; Case No. 2020-0381; Case No. 2021-0049; Case No. 2020-0263; Case No. 2020-0289; Case No. 2020-0327; and Case No. 2020-0378.** *Chief Justice Stuart moved that the Commission dismiss the cases as recommended. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.*

Case No. 2018-0397

Trae Johnson, Employee, City of Roanoke

Mr. Plunk moved that on February 6, 2019, the Alabama Ethics Commission found Trae Johnson, Employee, City of Roanoke, had committed one (1) minor violation of the Alabama Ethics Act. Trae Johnson requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 5th Judicial Circuit. The administrative resolution has been approved by Douglas J. Duerr of the 5th Judicial Circuit. Accordingly, I hereby move that this matter be handled administratively as follows: 1) An administrative penalty in the amount of \$1,000.00 is ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before September 3, 2021 and 2) there is no restitution owing for this minor violation. Chief Justice Stuart seconded the motion. Motion passed unanimously with all those present voting.

Case No. 2020-0398

Melvin Jones-Conley, Teacher/Former Bus Driver, Tuscaloosa City Schools

Chief Justice Stuart moved that on April 7, 2021, the Alabama Ethics Commission found Melvin Jones-Conley, Teacher/Former Bus Driver, Tuscaloosa City Schools, had committed one (1) minor violation of the Alabama Ethics Act. Melvin Jones-Conley requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 6th Judicial Circuit. The administrative resolution has been approved by Robert H. Webb of the 6th Judicial Circuit. Accordingly, I hereby move that this matter be handled administratively as follows: 1) an administrative penalty in the amount of \$69.00 is ordered by the Commission to be paid to the Ethics Commission by cashier's check, money order, or online payment on or before September 3, 2021; and 2) Restitution in the amount of \$37.20 is ordered be paid to the Ethics Commission by cashier's check, money order, or online payment on or before September 3, 2021 and disbursed to Tuscaloosa City Schools thereafter.

Case No. 2020-0433

Anthony Gauci, Former Board of Transportation Foreman, Baldwin County Board of Edu

General Crowell moved that on June 2, 2021, the Alabama Ethics Commission found Anthony Gauci, Former – Board of Transportation Foreman, Baldwin County Board of Education, had committed one (1) minor violation of the Alabama Ethics Act. Anthony Gauci requested an administrative resolution on that date. The Commission unanimously approved an administrative resolution of the case and forwarded to the District Attorney of the 28th Judicial Circuit. The administrative resolution has been approved by Robert Wilters of the 28th Judicial Circuit.

Accordingly, I hereby move that this matter be handled administratively as follows: 1) an administrative penalty in the amount of \$0.00 is ordered by the Commission; and 2) there is no restitution owing for this minor violation.

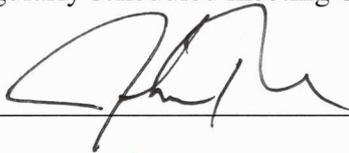
At 2:54 p.m. Director Tom Albritton explained the new online Statement of Economic Interests filing and asked approval for implementation. General Crowell made the motion to implement the new SEI online filing. Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

At 2:54 p.m. Director Tom Albritton presented the Commission with the proposed 2022 Commission dates. Chief Justice Stuart moved the dates be adopted. General Crowell seconded the motion. Motion passed unanimously with all those present voting.

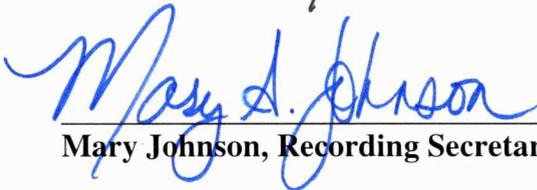
Adjournment

There being no further business at 2:54 p.m., Chief Justice Stuart moved that the meeting be adjourned, and Mr. Plunk seconded the motion. Motion passed unanimously with all those present voting.

The next regularly scheduled meeting of the Commission is October 6, 2021.



Thomas B. Albritton, Executive Director



Mary Johnson, Recording Secretary